

**ASSEMBLY BILL**

**No. 1781**

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**Introduced by Assembly Member Brownley**

February 21, 2012

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An act to amend Section 49557 of the Education Code, relating to school meals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1781, as introduced, Brownley. School meals: free or reduced-priced meals.

Existing law requires each school district and county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate, free or reduced-price meal during each schoolday. Existing law requires the governing board of each school district and county superintendent to formulate a plan that, among other things, will ensure that children eligible to receive free or reduced priced meals and milk shall not be treated differently than other children.

This bill would require the governing board of each school district and county superintendent of schools to include, as part of that plan, a provision to ensure that during meal times, children shall be able to receive a free or reduced-price meal at any serving line that the school food services program operates, manages, or from which the school food services program receives revenue. By imposing this additional duty on school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) In the State of California, one in nine children and one in  
4 three teens are overweight or obese.

5 (b) Obesity costs California an estimated \$41 billion a year in  
6 medical costs and lost productivity.

7 (c) Healthy eating plays an important role in learning and  
8 cognitive development. Children who do not get adequate nutrients  
9 have lower academic test scores.

10 (d) Because children spend approximately one-third of their  
11 day at school, schools play an important role in children's ability  
12 to acquire adequate nutrients.

13 (e) California requires that a free or reduced-price nutritious  
14 meal be available for low-income pupils enrolled in public K-12  
15 schools.

16 (f) Pupils who do not participate in the meal program are missing  
17 out on the health and nutrition benefits of the complete, balanced  
18 school meal.

19 (g) To decrease stigmatization of low-income pupils in the  
20 cafeteria, support participation in the meal program, increase  
21 revenue from federal reimbursements, and bring the benefits of  
22 school meals to more pupils, at least one reimbursable meal option  
23 must be made available at all service lines and points of sale during  
24 the operation of federal meal programs at K-12 public schools.

25 SEC. 2. Section 49557 of the Education Code is amended to  
26 read:

27 49557. (a) (1) The governing board of a school district and  
28 the county superintendent of schools shall make applications for  
29 free or ~~reduced-price~~ *reduced-price* meals available to students at  
30 all times during each regular schoolday. The application shall

1 contain, in at least 8-point boldface type, each of the following  
2 statements:

3 ~~(1)~~

4 (A) Applications for free and ~~reduced-price~~ *reduced-price* meals  
5 may be submitted at any time during a schoolday.

6 ~~(2)~~

7 (B) Children participating in the National School Lunch Program  
8 will not be overtly identified by the use of special tokens, special  
9 tickets, special serving lines, separate entrances, separate dining  
10 areas, or by any other means.

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12 (2) A school district and the county superintendent of schools  
13 shall use all other applications it has for free or ~~reduced-price~~  
14 *reduced-price* meals before utilizing the applications pursuant to  
15 this subdivision.

16 (b) The governing board of each school district and each county  
17 superintendent of schools shall formulate a plan, which shall be  
18 mailed to the State Department of Education for its approval, that  
19 will ensure that children eligible to receive free or ~~reduced-priced~~  
20 *reduced-price* meals and milk shall not be treated differently from  
21 other children. These plans shall ensure each of the following:

22 (1) Unless otherwise specified, the names of the children shall  
23 not be published, posted, or announced in any manner, or used for  
24 any other purpose other than the National School Lunch Program.

25 (2) There shall be no overt identification of any of the children  
26 by the use of special tokens or tickets or by any other means.

27 (3) The children shall not be required to work for their meals  
28 or milk.

29 (4) The children shall not be required to use a separate dining  
30 area, go through a separate serving line, enter the dining area  
31 through a separate entrance, or consume their meals or milk at a  
32 different time.

33 (5) *During meal times, the children shall be able to receive a*  
34 *free or reduced-price meal at any serving line that the school food*  
35 *services program operates, manages, or from which the school*  
36 *food services program receives revenue.*

37 (c) When more than one lunch or breakfast or type of milk is  
38 offered pursuant to this article, the children shall have the same  
39 choice of meals or milk that is available to those children who pay  
40 the full price for their meal or milk.

1     SEC. 3. If the Commission on State Mandates determines that  
2     this act contains costs mandated by the state, reimbursement to  
3     local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

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